

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILLIAM B. CORLEY,

Plaintiff,

-v-

MARC JAHR, MELISSA BARKAN, JIM  
QUILIVAN, JOSEPH SPITZER, BRIAN  
LOFTMAN, and JANE AND JOHN DOES,

Defendants.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12-12-12

No. 11 Civ. 9044 (RJS)  
ORDER ADOPTING REPORT  
AND RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:

On December 12, 2011, *pro se* Plaintiff William B. Corley initiated this action by filing his Complaint and bringing claims against Defendants Marc Jahr, Melissa Barkan, Jim Quilivan, Joseph Spitzer, Brian Loftman, and Jane and John Does, pursuant to the Fair Housing Act, as amended, 42 U.S.C. § 3601, *et seq.*, for a series of alleged violations stemming from Defendants' conduct arising from Plaintiff's leasing of an apartment in a former New York City-owned building in Manhattan. (Doc. No. 1.) By Order dated April 23, 2012, this matter was referred to the Honorable Kevin Nathaniel Fox, Chief Magistrate Judge. (Doc. Nos. 22, 23.) Defendants Spitzer and Loftman filed their Answer, dated April 30, 2012 (Doc. Nos. 22, 23), and on May 3, 2012, Plaintiff filed an unopposed motion to strike their Answer, pursuant to Federal Rule of Civil Procedure 12(f) (Doc. No. 20).


On October 4, 2012, Chief Judge Fox issued a Report and Recommendation (the "Report"), recommending that the Court deny Plaintiff's motion. (Doc. No. 33.) In the Report, Chief Judge Fox advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections. (Doc. No. 33 at 4); *see* 28 U.S.C. § 636(b)(1)(C); Fed. R.

Civ. P. 72(b). By Order dated October 16, 2012, the Court granted Plaintiff's request to extend the deadline to file his objections, if any, to November 26, 2012. (Doc. No. 34.) No party has filed objections to the Report, and the time to do so has expired. *Cf. Frank v. Johnson*, 968 F.2d 298 (2d Cir. 1993).

When no objections to a report and recommendation are made, the Court may adopt the report if there is no clear error on the face of the record. *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005); *La Torres v. Walker*, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000). After reviewing the record, the Court finds that Chief Judge Fox's well-reasoned and careful Report is not facially erroneous. Accordingly, the Court adopts the Report in its entirety and, for the reasons set forth therein, denies Plaintiff's motion to strike Defendants' Answer. The Clerk of Court is respectfully directed to terminate the motion located at Doc. No. 20.

SO ORDERED.

Dated: December 12, 2012  
New York, New York



RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE

A copy of this Order was mailed to:

William B. Corley  
1955 First Avenue #540  
Apt. 540  
New York, NY 10029